

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 28902; Notice of Proposed Rulemaking No. 97-6]

Establishment of Corridors in the Grand Canyon National Park Special Flight

Rules Area

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Disposition of comments.

Summary: This document summarizes and disposes of comments to a notice of proposed rulemaking (Notice 97-6), published May 15, 1997, which proposed a National Canyon corridor for an air tour route through the central portion of Grand Canyon National Park (GCNP). The FAA withdrew Notice 97-6 because it was considering alternatives to this route. This action summarizes and responds to the comments concerning the National Canyon corridor.

FOR FURTHER INFORMATION CONTACT: Alberta Brown, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-3724.

SUPPLEMENTAL INFORMATION:

Background

On May 15, 1997, the FAA issued Notice No. 97-6, which proposed a modification to the National Canyon corridor that was originally proposed in December 1996 in the Notice of Proposed Rulemaking (NPRM) addressing the use of quiet technology aircraft in GCNP (61 FR 69334; December 31, 1996). Notice No. 97-6

proposed two quiet technology corridors: (1) the National Canyon corridor through the central portion of the Park; and (2) the Bright Angel corridor in the eastern portion of the Park. The FAA received a total of 143 comments on this proposal from associations, the air tour industry, and individuals. A summary of comments and FAA's response to those comments follows.

Comments

Clark County comments that the proposed National Canyon route "...still fails to provide a sufficient scenic view to support a viable air tour." Specifically, this commenter finds that air visitors would lose the extremely scenic views of the Grand Canyon, Havasu Canyon, and Mt. Sinyala that are seen on the current Blue 1. Further, the commenter claims that the lack of a viable Blue 1/1A will result in a dangerous diversion of traffic to the Blue 2 route, economic injury to the air tour industry, and a shift of noise to the Hualapai reservation. It also suggests that, given the lack of a scenic air tour, some visitors will opt for ground tours by bus, train or car. Clark County believes that the Blue 1 route, proposed in above-referenced December 1996 proposal for quiet technology aircraft, is the best option for a viable air tour. Clark County continues to endorse the use of quiet technology as providing the best opportunity to promote long-term noise reduction at the least cost to the air tour industry.

In a related economic comment, Clark County notes that the current Blue 1 generates \$97.5 million in operating revenues. This commenter finds the FAA's economic analysis flawed in that it assumes that all air visitors would take the 'unscenic' proposed route, and because it assumes that the only loss of revenue from the loss of the scenic portions of Blue 1 would be a tiny diminution in ticket prices. Finally, Clark

County comments that, together, the proposed quiet technology route and quiet aircraft will more than meet the Overflight Act's mandate to substantially restore natural quiet in the Park. Clark County also raises a number of rulemaking issues for GCNP not directly related to this rulemaking proposal.

Lake Mead Air urges the FAA to retain the Blue 1 route as it is less offensive to the Native Americans than the proposed route. This commenter believes that the FAA should cease all rulemaking until an Environmental Impact Statement is completed.

Eagle Canyon Airlines believes that there is a potential for increasing unsafe operating conditions if there is no viable air tour route through the National Canyon area. Moreover, this commenter finds it appropriate to return to the route structure as it existed before December 31, 1996. Rather than change the structure of the National Canyon route to accommodate the Havasupai, Eagle Canyon Airlines finds that it would be more beneficial for the air tour operators if the FAA shifted the route slightly to the north. Eagle reiterates that an air tour must have at least 40 miles of canyon overflight to justify an air tour sold as such.

Southwest Safaris comments that the FAA has failed to consider air tour operations approaching from the south and east and suggests some modifications of routes to avoid congestion and possible safety problems. In a second comment, Southwest Safaris comments that the FAA should not allow any operator to use the Bright Angel corridor until all operators have had the opportunity to convert to quiet technology aircraft; 3 years should be sufficient for this conversion. This commenter also cites competition problems since other companies are unwilling to lease quiet technology aircraft to small operators who might compete with them for tour business.

Airstar Helicopters commends the FAA for responding to the safety concerns generated by Notice 96-15 (Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park) with a recommendation that the FAA convene a panel of affected parties to reach a consensus on the GCNP.

Scenic Airlines encourages the FAA to adopt the December 1996 proposal for quiet technology aircraft and finds that the proposal in notice 97-6 contains no incentives for operators to convert to quieter aircraft. Scenic finds that the National Canyon route as proposed does not provide a 'quality aerial tour experience' and instead proposes a corridor that would run north of Havasupai tribal lands while remaining south of the Colorado river. This commenter also suggested other route options.

Air Vegas commends the FAA for the reasoned decision to amend two of the flight-free zones with corridors, but finds that the National Canyon route does not provide a viable air tour. Air Vegas believes that Special Federal Aviation Regulation 50-2 has been successful in meeting the goals of substantially restoring the natural quiet in GCNP. The commenter also suggests a slight alternate to the National Canyon route.

The Sierra Club comments that the proposal to establish two routes through flight-free zones is a move away from the goal of Public Law 100-91 to restore the natural quiet in GCNP. While it supports the use of quiet technology aircraft, this commenter believes that methods such as creating corridors through flight-free zones are counterproductive. Sierra Club finds that the National Canyon route provides some relief for the Havasupai reservation; however, it does not provide enough protection for the river corridor. It also finds that a 4-mile width is excessive; if safety is a concern, the number of flights should

be reduced. Sierra Club believes that a cap on operations is the only solution to the noise problem in GCNP.

Friends of Grand Canyon states that the proposed routes will actually make noise levels worse in the eastern portion of the Canyon. This commenter finds that the proposed National Canyon modification would bring little relief to the Havasupai, while providing continuous noise to the central portion of the GCNP. In addition, unlimited noise would continue to permeate the entire park since there is no restriction on non-tour aircraft at elevations of 1300 to 9500 feet. This association finds that the NPS and FAA have failed in their responsibility to restore natural quiet to the park.

The General Aviation Manufacturers Association (GAMA) supports the two corridors, saying that they will harm no entity and will have a positive benefit for air tour operators. However, GAMA states that limiting the use of one corridor to Category C aircraft is arbitrary and subjective . Additionally, GAMA comments that the December 31, 2001 date does not provide sufficient time for industry to have new noise reduction technologies available.

The Navajo Nation reminds the FAA of its Section 106 responsibilities under the National Historic Preservation Act and its position that no flights be conducted over the “salt trail” and “Blue Springs” areas. The FAA notes that these two areas are not affected by the Notice 97-6 proposal.

Grand Canyon Air Tour Council (GCATC) comments that the National Canyon route, as proposed, is not a viable air tour route. The Council believes that the two goals of SFAR 50-2 have been met: to increase safety and to substantially restore the natural quiet. AGATC notes that visitor complaints constitute only .0001% of all visitors.

Twin Otter International (TOIL) comments that the FAA has exceeded its statutory authority with the new GCNP rules and that it has incorrectly applied the intent of Congress. Moreover, it has applied a flawed NPS noise model to justify the rules. TOIL finds that there is insufficient incentive for converting to the new technology. Moreover, limiting west-bound traffic to quiet technology after December 2001 is only symbolic since only 2-3% of the air tours from Las Vegas to Tusayan are flown in reverse. In addition, this proposal reduces the viewing time by about 40%. TOIL recommends maintaining a 40-minute canyon viewing experience and further urges the FAA to limit it to quiet technology only.

Grand Canyon Airlines (GCA) comments that there should be more incentive routes for quiet technology aircraft. GCA urges FAA and NPS to work together in a common sense approach, adding that the value in knowing that there is quiet though no one is there is 'elitist hogwash'. GCA believes that FAA discriminated in favor of helicopters by giving them the lowest altitudes and preferred routes.

Sierra Club – Grand Canyon Chapter comments that NPS modeling shows that eliminating all aircraft from National Canyon corridor is an important step in restoring natural quiet to GCNP. Likewise, the Sierra Club – Los Angeles Chapter opposes the proposal to allow a National Canyon route through a flight free zone.

Grand Canyon River Guides comments that there should be no flights through flight free zones. This commenter notes that the Havasupai also want these flights removed. The Guides believe that this is a non-essential route and that people will still book tours, regardless of the location of the route.

The Havasupai Indian Tribe comments that only through government to government negotiations should any aircraft be able to fly over their reservation. They suggest a route through the Sanup flight-free zone that could avoid their reservation. The Havasupai also find the Environmental Assessment insufficient.

More than 100 comments were received from individuals who enjoy the GCNP as ground visitors. The majority of these comments state that routes through flight-free zones defeated the purpose of the final rule. Many of these commenters want no flights over GCNP, even by quiet technology aircraft.

The FAA's response

As stated in the withdrawal of Notice No. 97-6, the FAA, in consultation with the NPS, had determined to not proceed with the proposals set forth in that notice.

Following the withdrawal, the FAA continued to search for a route through the GCNP that would provide a viable air tour while at the same time contributing to the restoration of natural quiet in the Park.

The focus of this search for a new air tour route changed significantly with the publication in the Federal Register of NPS's policy addressing a dual noise standard for GCNP (64 FR 38006; July 14, 1999). NPS's policy revised the noise evaluation methodology and established a dual noise level mapping of GCNP. The methodology effectively devised a two zone system for assessing the impacts related to the substantial restoration of natural quiet in GCNP. Zone One is based on the standard of *noticeability*, which was used previously for noise assessments in GCNP and is determined to be three decibels above the A-weighted natural ambient level. Zone Two is based on the standard of *audibility*, which is determined to be eight decibels below the average A-weighted

natural ambient level. The National Canyon corridor proposed in Notice 97-6 would have passed through Zone 2. Consequently, application of the audibility standard to the National Canyon area precludes this area from consideration as a possible air tour route. The FAA recently has proposed two air tour routes through the central portion of the GCNP, which do not infringe on Zone Two. Notice No. 99-11, Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones (64 FR 37296; July 9, 1999) and a companion Notice of availability on routes in Grand Canyon National Park (64 FR 37191; July 9, 1999) both had a 60-day comment period that closed on September 7, 1999.

The FAA appreciates the comments that the public provided on the proposals in Notice 97-6. Commenters provided valuable insights into what constitutes a viable air tour route. Other commenters expressed the value of restoring natural quiet in GCNP. Native American tribes took this opportunity to express their concerns for any air tour route that could affect their sacred properties. These comments assist the FAA and NPS in their continuing efforts to develop air tour routes in GCNP.

Issued in Washington, DC on November 5, 1999

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Director, Flight Standards Service